

Management Overview

TABLE OF CONTENTS

1-01	Michigan Court System	1-01-01
1-02	Judicial Power - One Court of Justice	1-02-01
	A. Authority	1-02-01
	B. Recent Goals and Objectives	1-02-01
1-03	Chief Judge Rule - MCR 8.110	
	A. Applicability	1-03-01
	B. Selection of Chief Judge, Chief Judge Pro Tempore, and Presiding Judge of Divisions	1-03-01
	C. Selection of Chief Judge and Chief Judge Pro Tempore of Court of Appeals	1-03-01
1-04	General Management Duties of Chief Judge	
	A. General Responsibility	1-04-01
	B. Specific Duties	1-04-01
1-05	Trial Court Administrator	
	A. Authority and Scope	1-05-01
	B. Function	1-05-01
1-06	Adopting Local Court Rules, Administrative Orders, and Plans	
	A. Introduction	1-06-01
	B. Local Court Rules	1-06-01
	C. Local Administrative Orders	1-06-02
	D. Required Plans	1-06-11

TABLE OF CONTENTS (continued)

1-07 Court Relations - External and Internal

- | | | |
|----|---|---------|
| A. | External Relations with Local Funding Unit, Legislature,
Local Bar, Other Institutions, and General Public | 1-07-01 |
| B. | Internal Relations of the Court | 1-07-02 |
| C. | Gender and Racial/Ethnic Issues in the Courts | 1-07-03 |

1-08 Management Assistance

- | | | |
|----|-------------------------------------|---------|
| A. | Circuit Court Related | 1-08-01 |
| B. | District/Municipal Court Related | 1-08-01 |
| C. | Probate Court Related | 1-08-01 |
| D. | Court Reporter and Recorder Related | 1-08-01 |

Management Overview

1-01 MICHIGAN COURT SYSTEM

See an organization chart of the Michigan Court System at
<http://courts.michigan.gov/scao/resources/other/OrgChart.pdf>.

INTRODUCTION

This section is only a general outline of the manual. See individual sections for detailed information.

1-02 JUDICIAL POWER - ONE COURT OF JUSTICE

A. Authority

The present (1963) Michigan Constitution created "one court of justice," incorporating the concept that the State of Michigan has a single court with several divisions. Article 6, Section 1 of the 1963 Constitution invests the judicial power of the state exclusively in one court of justice; divided into one Supreme Court, one Court of Appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to, and serving in, each House. Each of these several divisions devote attention to a certain level of judicial administration.

B. Recent Goals and Objectives

In the late 1990's, the concept of "one court of justice" began moving closer to practical reality through initiatives within the Judiciary, combined with action on the part of the Legislative and Executive branches of government and numerous court-related agencies and associations, to begin modernizing and streamlining the system in an effort to redirect attention and resources to a more efficient and responsive delivery of court services.

Major justice initiatives begun in 1995 focused on the well-being of Michigan's families, especially children. These initiatives stressed the need to: 1) provide families with a clear path through the judicial system; 2) ensure that children are fully protected by the legal process and are provided a home; 3) strengthen protection for victims of domestic violence; 4) make the system more accessible to litigants representing themselves in domestic relations matters; and 5) offer alternative methods of dispute resolution to those whose cases may benefit from a collaborative rather than an adversarial approach.

Significant structural changes were also begun, including: 1) court mergers for improving efficiency in court administration; 2) programs for improving trial court management, revenue collections, budgeting practices, and court security; and 3) new technologies and data protocols to organize and share data seamlessly on a system-wide basis.

[Paraphrased excerpts of October 23, 1997, State of the Judiciary Message, Chief Justice Conrad L. Mallett, Jr.]

Justice initiatives continue to focus on the operation of the family division of the circuit court, and recent efforts have begun to strengthen the trial courts' ability to meet the challenges of providing better protection for individuals who are subject to guardianships and/or conservatorships. One of the latter efforts is the appointment of a Guardianship Ombudsman to investigate complaints relating to guardianship and conservatorship.

Continued structural changes in the judiciary are being launched through the “Next Generation Model Trial Court Project”, an experimental search for improvements in the court system through a variety of cooperative efforts. Twelve jurisdictions will be added to the trial court demonstration projects which were begun in 1996 to develop coordinated administrative structures between multiple courts. Some of the features of the Next Generation Project will be: 1) consolidation of court functions; 2) improved computer technology; 3) improved collection of fines and costs; 4) improved use of resources; 5) improved case scheduling; and 6) on-line transactions and information.

[Paraphrased excerpts of September 28, 2000 State of the Judiciary Message, Chief Justice Elizabeth A. Weaver]

1-03 CHIEF JUDGE RULE - MCR 8.110

A. Applicability

This rule applies to all trial courts; i.e., the judicial circuits of the circuit court, the districts of the district court, the probate court in each county or a probate district established by law, and the municipal courts.

B. Chief Judge, Chief Judge Pro Tempore, and Presiding Judges of Divisions

1. The Supreme Court shall select a judge of each trial court to serve as chief judge. No later than October 1 of each odd-numbered year, each trial court with two or more judges may submit the names of no fewer than two judges whom the judges of that court recommend for selection as chief judge.
2. Unless a chief judge pro tempore or presiding judge is named by the Supreme Court, the chief judge shall select a chief judge pro tempore and a presiding judge of any division of the trial court. The chief judge pro tempore and any presiding judges shall fulfill such functions as the chief judge assigns.
3. The chief judge, chief judge pro tempore, and any presiding judges shall serve a two-year term beginning on January 1 of each even-numbered year, provided that the chief judge serves at the pleasure of the Supreme Court and the chief judge pro tempore and any presiding judges serve at the pleasure of the chief judge.
4. Where exceptional circumstances exist, the Supreme Court may appoint a judge of another court to serve as chief judge of a trial court.

C. Duties and Powers of Chief Judge

1. A chief judge shall act in conformity with the Michigan Court Rules, administrative orders of the Supreme Court, and local court rules, and should freely solicit the advice and suggestions of the other judges of his or her bench and geographic jurisdiction. If a local court management council has been created by a funding unit and adopts the bylaws as described in AO 1998-5, the chief judge shall exercise the authority and responsibilities under this rule in conformity with the provisions of AO 1998-5.
2. The chief judge shall select a chief judge pro tempore, who shall fulfill such functions as the chief judge assigns.
3. The chief judge and chief judge pro tempore shall serve a two-year term beginning on January 1 of each even-numbered year, provided that the chief judge serves at the please of the Supreme Court and the chief judge pro tempore serves at the pleasure of the chief judge.

1-04 GENERAL MANAGEMENT DUTIES OF CHIEF JUDGE

A. General Responsibility

It is assumed throughout the materials that follow in this manual that all of the duties and responsibilities enumerated in the Chief Judge Rule and in this manual apply equally to the sole judge in a single judge court. Obviously, there will be no need for a chief judge pro tempore or for the selection of a chief judge.

B. Specific Duties

1. Presiding Officer

Specific duties of the chief judge include acting as presiding officer of the court. As presiding officer of the court, a chief judge shall call and preside over meetings of the court and appoint committees of the court.

2. Director of Administration

As director of the administration of the court, a chief judge has administrative superintending power and control over the judges of the court and all court personnel. The chief judge has authority and responsibility to effect compliance by the court with all applicable court rules and provisions of the law. Furthermore, the chief judge has the authority and responsibility to perform any act or duty or enter any order necessarily incidental to carrying out the purposes of the chief judge rule. [MCR 8.110(C)(1), (2), (3)]

3. Delegation of Duties

The chief judge may delegate administrative duties to a trial court administrator or others. [MCR 8.110(C)(6)]

4. Internal and External Court Relations

As presiding officer of the court, a chief judge shall initiate policies concerning the court's internal operations and its position on external matters affecting the court; represent the court in its relations with the Supreme Court, other courts, other agencies of government, the bar, the general public, and the news media, and in ceremonial functions; and counsel and assist other judges in the performance of their responsibilities. The chief judge of each trial court, the other judges of that bench, and the court manager/administrator must establish and maintain an environment that promotes and protects equal opportunity, bias free attitudes, and fair treatment (see also page 1-07-01). A chief judge must meet regularly with all chief judges whose courts are wholly or partially within the same county. [MCR 8.110(C)(2)(d), Mich Sup Ct AO 1998-5]

1-05 TRIAL COURT ADMINISTRATORS

A. Authority and Scope

In "Section 1-04 General Management Duties of Chief Judge", which covers the administrative duties of the chief judge, MCR 8.110(C)(6) provides for delegation of administrative duties by a chief judge to a trial court administrator or others. The duties of these trial court administrators or court managers vary depending upon the location and size of the court in which they are employed. The court administrator or manager functions in management areas rather than legal areas. They provide an executive component to the court, blending judicial management skills with the discipline of business and public administration.

B. Function

A heightened awareness of the need for managerial expertise to direct the complex operations of the court has resulted in a rapid growth in the area of professional court administration. The increasing complexity of American life and the scope of litigation in the United States have created an administrative burden on the courts. It is difficult for judges and traditional court staff to handle this burden alone. In order to assist in this area, professional administrators and managers, under the general guidance of judges, manage the business of the court. It should be emphasized that all judges, particularly the chief judge, are responsible for the administration of the court. The judges determine the policy; the court administrators implement this policy.

Court administrators and managers employed by the court do work in a complex environment. The court administrator serves a dual function of increasing the amount of time the judge has for adjudication and bringing professional management knowledge and experience to the judiciary. Professionally trained administrators and managers, schooled in judicial procedures and modern administrative principles, can provide court systems with the managerial confidence that the courts traditionally have lacked.

Court administrators and managers can serve efficiently and effectively in small courts with two or three judges as well as in the larger courts. Professional administrators can administer juries, handle budgets, administer and supervise personnel, automate systems, and reduce delay. Regardless of the size of the court, the success of a court administrator depends largely on clearly defined job descriptions, acceptance by the judges, appropriate funding, and good communication between the court administrator and others in the court system. In order to make the best use of the court administrator position, courts should clearly delineate the duties and clarify the functions of the administrator. The judicial policy implemented by the court administrator should be clearly documented and defined.

1-06 ADOPTING LOCAL COURT RULES, ADMINISTRATIVE ORDERS, AND PLANS

A. Introduction

Generally, local court rules are adopted to supplement the Michigan Court Rules. Local court rules regulate practice in the court adopting them. Since the adoption of the Michigan Court Rules effective March 1, 1985, the Supreme Court has approved few local court rules. The Supreme Court's goal is to achieve a uniformity of practice through the Michigan Court Rules.

Local administrative orders are adopted to govern only internal court management. Trial courts are encouraged to adopt administrative orders to document delegations of authority and directions to court staff.

Guidelines for local court rules and administrative orders are located at the SCAO website at: <http://courts.michigan.gov/scao/resources/other/lao.htm>.

B. Local Court Rules

1. Authority

A trial court may adopt rules regulating practice in that court. These rules are not to be in conflict with the Michigan Court Rules and regulate matters not covered by the court rules. [MCR 8.112(A)]

2. Purpose

If a practice of a trial court is not specifically authorized by the Michigan Court Rules and 1) reasonably depends on attorneys or litigants being informed of the practice for its effectiveness or 2) requires an attorney or litigant to do some act in relation to practice before that court, the practice, before enforcement, must be adopted by the court as a local court rule and approved by the Supreme Court.

3. Notice of Proposed Local Court Rules

Unless a trial court finds that immediate action is required, it must give reasonable notice and an opportunity to comment on a proposed local court rule to the members of the bar in the affected judicial circuit, district, or county. The court shall send the rule and comments received to the Supreme Court clerk.

4. Numbering

If possible, the numbering of a local court rule supplementing an area covered by the Michigan Court Rules must correspond with the numbering of the court rules and bear the prefix LCR.

5. Facsimile Transmission and Filing of Court Documents

While most local court rules are normally submitted directly to the clerk of the Supreme Court under MCR 8.112(A), the Supreme Court has directed that a local court rule authorizing facsimile transmission and filing of court documents be approved by the State Court Administrative Office. The State Court Administrative Office also provides assistance in the implementation of the use of facsimile equipment for filing and transmission of court documents for those courts electing to participate. A local court rule established pursuant to MCR 8.112(A) for facsimile transmission and filing of court documents must comply with Mich Sup Ct AO 1994-2. (See also Section 9-09). [Mich Sup Ct AO 1994-2]

C. Local Administrative Orders

1. Authority, Scope, and Procedure

A trial court may issue an administrative order governing only internal court management. Administrative orders must be sequentially numbered during the calendar year of their issuance. Before its effective date an administrative order must be sent to the State Court Administrator. If the State Court Administrator directs, a trial court shall stay the effective date of an administrative order or shall revoke it. A trial court may submit such an order to the Supreme Court as a local court rule. [MCR 8.112(B)]

2. Required Local Administrative Orders

All trial courts are mandated to issue local administrative orders to establish court policies for regulating access to juror questionnaires, court hours, and mediation procedures.

a. Access to Juror Personal History Questionnaire

The State Court Administrator has adopted a juror personal history questionnaire. Upon completion by a prospective juror, the questionnaire is filed with the court clerk or the jury board. The only persons allowed to examine the questionnaire are the judges of the court, the court clerk and deputy clerks, parties to the actions in which the juror is called to serve and their attorneys, and persons authorized access by court rule or by court order. [MCR 2.510(A), (C)]

The State Court Administrator has developed model procedures for providing attorneys and parties reasonable access to juror questionnaires. Each court has selected and implemented one of these procedures by local administrative order adopted pursuant to MCR 8.112(B). If the State Court Administrator determined that, given the circumstances existing in an individual court, the procedure selected did not provide reasonable access, the State Court Administrator may have directed the court to implement one of the other model procedures. [MCR 2.510(C)(2)]

A model local administrative order is located at the State Court Administrative Office website at: <http://courts.michigan.gov/scao/resources/other/lao.htm>. (See also Section 12).

b. Case Evaluation Procedures

Each trial court that submits cases to mediation under MCR 2.403 shall adopt by local administrative order a plan to maintain a list of persons available to serve as mediators and to assign mediators from the list of panels. The plan must be in writing and available to the public in the mediation clerk's office. Other alternative plans must be submitted as local court rules under MCR 8.112(A) (See also Section 7-07). [MCR 2.403(A)] Guidelines for preparing local administrative orders for selecting mediators and mediation panels are located at the State Court Administrative Office website at: <http://courts.michigan.gov/scao/resources/other/lao.htm>.

c. Cases Involving Children Absent from Court-Ordered Placement

Each circuit court must develop a plan for reviewing cases involving children who are absent from court-ordered placements without permission from the court. Such plans must include the establishment of a special docket or other expedited process for review of such cases, either through dispositional review hearings required by statute and court rule in all child-protective proceedings, formal status conferences, or emergency status reviews. In addition, the plans should: A) identify the judge who has responsibility for ensuring compliance with the plan; B) address the coordination of the efforts of the Family Independence Agency and the court to locate absent children; C) describe the process for reviewing such cases; D) address any special problems that the court has identified; E) describe the court's procedures for obtaining information regarding the whereabouts of absent children and for promptly scheduling hearings to determine their legal status; and F) describe the court's procedures for giving priority to cases involving children ages 15 and younger, particularly if the child may have been abducted. Each circuit court must submit a local administrative order to the State Court Administrative Office by February 1, 2003 describing its plan. [Mich Sup Ct AO 2002-48]

d. Court Closure Due to Weather Emergency

All courts must submit a local administrative order governing closure due to emergency weather conditions. In facilities containing multiple courts, the courts must adopt and submit a joint local administrative order. Courts with the same funding unit should also submit a joint local administrative order, if possible. The policy must provide that certain procedures will apply in the event of a weather emergency as outlined in the Guideline for Unscheduled Court Closing Due to Weather Emergency.

A model local administrative order is located at the State Court Administrative Office website at: <http://courts.michigan.gov/scao/resources/other/lao.htm>.

e. Court Hours

The chief judge shall enter an administrative order establishing the court's hours. [MCR 8.110(D)(1)]

f. Public Access to Court Records

Unless access to a file, a document, or information contained in a file or document is restricted by statute, court rule, or an order entered according to MCR 8.119(F), any person may inspect pleadings and other papers in the clerk's office and may obtain copies as provided in MCR 8.119(E)(2) and (E)(3). A court, by administrative order, may make reasonable regulations necessary to protect its public records and prevent excessive and unreasonable interference with the discharge of its functions. For access to friend of the court records, see page 1-06-04. (See also Section 8-03). [MCR 8.119(E)]

A model local administrative order is located at the State Court Administrative Office website at: <http://courts.michigan.gov/scao/resources/other/lao.htm>.

g. Security Policies for Court Facilities

Supreme Court Administrative Order 2001-1 states that weapons are not permitted in any courtroom, office, or other space used for official court business or by judicial employees unless the chief judge or other person designated by the chief judge has given prior approval consistent with the court's written policy. Each court is required to submit a written policy conforming with this order to the State Court Administrator for approval. Courts are encouraged to collaborate with other entities in shared facilities and, where appropriate, to work with local funding units in developing the policy, which may be a separate plan or part of a general security program.

A model local administrative order is located at the State Court Administrative Office website at: <http://courts.michigan.gov/scao/resources/other/lao.htm>.

3. Local Administrative Orders Required Under Certain Circumstances

In addition to the mandated local administrative orders, there are a number of local administrative orders that are required under certain circumstances. Also, a court may, but is not "required" to, delegate authority and make directions to court staff for certain functions. These functions are 1) arraignment on information in criminal cases, 2) public access to court records, 3) providing forms to litigants and lawyers, and 4) authorizing probate registers to sign for the judge. If a court opts to delegate authority or make directions regarding any of the above, a local administrative order is then required.

a. Access to Friend of the Court Records

Access to friend of the court records is governed by MCR 3.218. A court, by administrative order pursuant to MCR 8.112(B), may make reasonable regulations necessary to protect friend of the court records and to prevent excessive and unreasonable interference with the discharge of friend of the court functions. For information about access to court records generally, see h. on page 1-06-05. (See also Section 8-03 and MCR 8.119(E)). [MCR 3.218]

A model local administrative order is located at the State Court Administrative Office website at: <http://courts.michigan.gov/scao/resources/other/lao.htm>.

b. Assignment of Cases

All cases must be assigned by lot unless a different system has been adopted by local court administrative order under the provisions of subrule 8.112. Assignment will occur at the time the case is filed or before a contested hearing or uncontested dispositional hearing on the case, as the chief judge directs. Civil actions must be assigned within appropriate categories determined by the chief judge. The chief judge may receive fewer assignments in order to perform the duties of chief judge. Court rule requires that a local administrative order be issued defining and explaining the procedure of assigning cases other than "by lot" utilized by the particular court. (See also Sections 7-05 and 7-06). [MCR 8.111(B)]

c. Authority for Probate Register to Perform Judicial Acts

Under Michigan statute (MCL 600.834) and court rule (MCR 8.301), a chief probate judge may, through issuance of an order, grant to a probate register the authority to perform certain judicial acts. (See also Section 4-11). [MCR 5.602(B), MCL 600.834]

A model local administrative order is located at the State Court Administrative Office website at: <http://courts.michigan.gov/scao/resources/other/lao.htm>.

d. Court Closure - Generally

Courts periodically find it necessary to close for brief periods of time for such matters as staff training, conducting pending inventory, and doing records destruction. This model local administrative order can be customized to meet the needs of the court.

A model local administrative order is located at the State Court Administrative Office website at: <http://courts.michigan.gov/scao/resources/other/lao.htm>.

e. Court Holidays

The courts are directed to observe a specific list of holidays unless they adopt modifying local administrative orders. Furthermore, courts are required to promulgate a modifying administrative order, if appropriate, to accommodate or achieve uniformity with the holiday practices of local governmental units regarding local public employees. Judges may continue a trial in progress, however, or dispose of judicial matters on any of these specifically listed holidays if he or she finds it to be necessary. (See also Section 5-12). [MCR 8.110(D)(2)]

f. Facsimile Equipment in Mental Health Proceedings

Probate courts can be authorized to use facsimile communication equipment to transmit petitions, physician's certificates and other supporting documents from state regional psychiatric hospitals or private hospitals for filing in the courts under Michigan Supreme Court Administrative Order. Participation is subject to the discretion of the chief judge of the probate court and with approval of the State Court Administrator. The State Court Administrative Office assists in implementing use of facsimile equipment in mental health proceedings for courts electing to participate.

An administrative order submitted for authorization to use facsimile communication equipment must comply with Mich Sup Ct AO 1992-3. (See also Section 9-09). [Mich Sup Ct AO 1992-3]

g. Guilty Pleas; District Judges Accepting in Felony Cases

Under Mich Sup Ct AO 1992-5, district court judges may be assigned as judges in the circuit court for the purpose of taking not guilty and guilty pleas in felony criminal cases. If a court desires approval to accept felony pleas, it must submit a local administrative order to the State Court Administrator signed by the chief judges of both the circuit and district courts. [Mich Sup Ct AO 1992-5]

A model local administrative order is located at the State Court Administrative Office website at: <http://courts.michigan.gov/scao/resources/other/lao.htm>.

h. Local Alternative Dispute Resolution Plans

Under MCR 2.410(B)(1) and MCR 3.216(B)(1) each trial court that submits matters to alternative dispute resolution processes under MCR 2.410 and MCR 3.216 shall adopt an ADR plan by local administrative order. The plan must be in writing and available to the public in the ADR clerk's office. [MCR 2.410(B)(1)]

A model local administrative order is located at the State Court Administrative Office website at: <http://courts.michigan.gov/scao/resources/other/lao.htm>. Guidelines for completing the local alternative dispute resolution plan is located at the website at: <http://courts.michigan.gov/scao/resources/standards/odr/ADRplngls.pdf>.

i. Multiple District Plan for Magistrates

MCL 600.8320 allows two or more district courts within a county or two adjoining districts of the first class to establish a multiple district plan in which a district court magistrate is authorized to conduct arraignments, set bail or recognizance, provide for the appointment of counsel, or make determinations of probable cause and issue warrants for all of the participating districts within the multiple district area.

For districts consisting of more than one county, the chief or only judge may authorize a magistrate appointed in one county to serve in another county within the district. Courts choosing to establish a multiple district plan must submit to the State Court Administrator a local administrative order signed by the chief or only judges of all participating districts. [MCL 600.8320]

A model local administrative order is located at the State Court Administrative Office website at: <http://courts.michigan.gov/scao/resources/other/lao.htm>.

j. Payment by Electronic Funds Transfer (EFT)

Federal law requires states to create systems that "use automated procedures, electronic processes, and computer-driven technology to the maximum extent feasible, efficient, and economical, for the collection and disbursement of support payments . . ." [42 USC 654b]

As a part of meeting this goal, electronic funds transfer is the preferred method for disbursing support. Payees should be educated about the benefits of using direct deposit in order to achieve the greatest voluntary participation possible. If a friend of the court office determines that requiring participation of payees is necessary, the circuit court shall issue a local administrative order authorizing and regulating that procedure.

A model local administrative order is located at the State Court Administrative Office website at: <http://courts.michigan.gov/scao/resources/other/lao.htm>.

k. Places of Holding Court (District - Region 1)

A model local administrative order is located at the State Court Administrative Office website at: <http://courts.michigan.gov/scao/resources/other/lao.htm>.

l. Places of Holding Court (Probate)

Subject to the approval of the county board of commissioners and the State Court Administrator, the chief probate judge of a county may designate 1 or more places in the county where sessions of probate court may be held. A designation made under MCL 600.816(3) shall be delivered to the county clerk. [MCL 600.816(3)]

A model local administrative order is located at the State Court Administrative Office website at: <http://courts.michigan.gov/scao/resources/other/lao.htm>.

m. Providing Forms to Litigants and Lawyers

The chief judge may, by administrative order, direct the clerk of the court to provide litigants and attorneys with copies of forms approved by the State Court Administrator. The administrative order may allow the clerk to provide the forms at the cost of reproduction to the clerk. [MCR 8.110(C)(7)]

The SCAO model local administrative order regarding public access to court records includes language about providing forms to litigants and lawyers (see page 1-06-05).

n. Referrals to Domestic Relations Referee

Under MCR 3.215(B), the chief judge may issue an administrative order to refer all motions of a particular kind to a referee. Judges are free to assign other motions to a referee to the extent allowed by law. [MCR 3.215(B)]

o. Scheduling Arraignments

Unless the circuit court or Recorder's Court does the scheduling of the arraignment on the information, the district court must do so in accordance with the administrative orders of the trial court. [MCR 6.110(I)]

p. Video Proceedings

1) Circuit and District Courts

Under Michigan Supreme Court Administrative Order 2000-3 trial courts may use two-way interactive video technology in the criminal divisions of the circuit and district courts to conduct the following proceedings between a courtroom and a prison, jail, or other place of detention: initial arraignments on the warrant, arraignments on the information, pretrials, pleas, sentencing for misdemeanor offenses, show cause hearings, waivers and adjournments of extradition, referrals for forensic determination of competency, and waivers and adjournments of preliminary examinations. If a court desires to use interactive video technology, it must submit a local administrative order to the State Court Administrator describing how the program will be implemented and the administrative procedures for each type of hearing for which interactive video technology will be used. Courts that previously were authorized to use interactive video technology under Administrative Orders 1990-1, 1991-2, 1992-1, or 1993-1 may continue to do so until further order of the Supreme Court or the State Court Administrator. (See also Section 9-07). [Mich Sup Ct AO 2000-3] A model local administrative order is located at the SCAO website at: <http://courts.michigan.gov/scao/resources/other/lao.htm>.

2) Family Division of Circuit Court and Probate Court

On order of the Supreme Court, the State Court Administrator is authorized until July 1, 2002 or until further order of the Supreme Court, to approve the experimental use of two-way interactive video technology to conduct proceedings between a courtroom and a hospital, mental health facility, jail, detention facility, or other placement facility, in the following circumstances: (1) hearings concerning initial involuntary treatment and continuing treatment in mental health cases in probate court in the counties of Calhoun, Chippewa, Genesee, Gogebic, Livingston, Ottawa, and Wayne. (2) Preliminary hearings and review hearings in child protective proceedings in the family division of the circuit court in the counties of Calhoun,

Chippewa, Genesee, Gogebic, Kalamazoo, Livingston, Ottawa, and Wayne. Each court seeking to participate must submit a local administrative order for approval by the State Court Administrator describing how the program will be implemented and the administrative procedures for each type of hearing for which interactive video technology will be used. [Mich Sup Ct AO 2000-4] A model local administrative order is located at the State Court Administrative Office website at: <http://courts.michigan.gov/scao/resources/other/lao.htm>.

q. Video Tape Record of Proceedings

Under Mich Sup Ct AO 1990-7 trial courts may apply to the State Court Administrative Office to use videotape record systems for the purpose of making the verbatim court record of proceedings in individual courtrooms. Courts desiring approval to use the videotape record system must submit application materials and a local administrative order to the State Court Administrator to implement procedures.

A Videotape Record System Users Manual is available in hard copy from the State Court Administrative Office or it can be downloaded from the SCAO website at: <http://courts.michigan.gov/scao/resources/publications/manuals/Video-02-mnl.pdf>. (See also Section 3-02 and 10-01). [Mich Sup Ct AO 1990-7]

r. Waiver of Jurisdiction Over Civil Infractions Committed by Juveniles

Under MCL 712A.2e and MCL 600.8379(1), the circuit court may enter into an agreement with the district court to waive jurisdiction over all or specifically named civil infractions alleged to have been committed by juvenile within the geographic jurisdiction of the district court. Courts making such an agreement must submit a joint local administrative order to the State Court Administrator.
[MCL 712A.2e, MCL 600.8379(1)]

A model local administrative order is located at the State Court Administrative Office website at: <http://courts.michigan.gov/scao/resources/other/lao.htm>.

4. Recommended Local Administrative Orders

Although not required by court rule, it is strongly recommended that delegation of authority for the following court staff be documented through local administrative order. Items a. through d. below apply to the Family Division of Circuit Court even though the specific statutory provisions were not amended to remove references to probate court.

a. County Agent (Family Division of Circuit Court)

The county agent is an officer of the court under the general supervision of the judges of the court and shall serve at their pleasure. The county agent shall organize, direct, and develop the juvenile welfare work of the court as authorized by the judge. With the judge's approval, the county agent or his or her assistants shall investigate and report on juveniles or families within the county as requested by the family independence agency,

the county juvenile agency, or the superintendent of any state institution regarding the welfare of any juvenile. (See also Section 4-17). [MCL 712A.8]

b. Juvenile Register - Family Division of Circuit Court

The probate judge may appoint the register of probate, a deputy probate register, or clerk of the court as register of the juvenile division of probate court (family division of circuit court). (See also Section 4-14). [MCL 712A.7]

c. Magistrate - District Court

The district judge may appoint a magistrate to serve at the pleasure of the judge(s) to exercise the jurisdiction and duties only as authorized by the chief judge, presiding judge, or only judge of the district court. (See also Section 4-09). [MCL 600.8501 and MCL 600.8503]

Model local administrative orders are located at the State Court Administrative Office website at: <http://courts.michigan.gov/scao/resources/other/lao.htm>.

d. Probation Officer - Family Division of Circuit Court

The probate judge in each county may appoint one or more suitable persons of good character and qualified training or experience other than the county agent or assistants to act as probation officer, who shall receive such compensation as the board of supervisors may appropriate for the purpose and who, at the discretion of the judge, may be authorized and empowered to perform county agent duties. The probate judge may also appoint other probation officers who shall receive no compensation from the county treasury for the duties performed under such appointment. (See also Section 4-15). [MCL 712A.9]

e. Referee - Family Division of Circuit Court

The probate judge may designate a probation officer or county agent to act as referee in taking the testimony of witnesses and hearing the statements of parties upon the hearing of petitions alleging that a child is within the provisions of the juvenile code if there is no objection by parties in interest. If a child is before the court under 712A.2(a)(1), a probation officer or county agent who is not licensed to practice law in Michigan shall not be designated to act as a referee in any hearing for the child, except the preliminary inquiry or preliminary hearing, unless the probation officer or county agent was designated to act as referee by the probate judge prior to January 1, 1988 and was acting as referee as of January 1, 1988. (See also Section 4-16). [MCL 712A.10]

D. Required Plans

1. Plan for Appointment of Lawyers

All trial courts must adopt a local administrative order that describes the court's procedures for selecting, appointing, and compensating counsel who represent indigent parties in that court. [MCR 8.123(A), (B)]

Approval by State Court Administrator. The trial court must submit the local administrative order to the State Court Administrator for review pursuant to MCR 8.112(B)(3). The State Court Administrator shall approve a plan if its provisions will protect the integrity of the judiciary. [MCR 8.123(C)]

At the end of each calendar year, a trial court must compile an annual written or electronic report of: 1) the number of appointments given to each attorney by that court; 2) the number of appointments given to each attorney by each judge of that court; 3) the total public funds paid to each attorney for appointments by that court; and 4) the total public funds paid to each attorney for appointments by each judge of that court. Trial courts that contract for services to be provided by an affiliated group of attorneys may treat the group as a single entity when compiling the required records of appointments and compensation. The records required by this subrule must be retained for the period specified by the State Court Administrative Office's General Schedule 16. [MCR 8.123(D)]

The records must be available at the trial court for inspection by the public, without charge. The court may adopt reasonable access rules, and may charge a reasonable fee for providing copies of the records. [MCR 8.123(E)]

When requested by the State Court Administrator, a trial court must: 1) provide a copy of its most recent annual report; and 2) provide data on an individual attorney or judge for a period specified by the request. [MCR 8.123(F)]

2. Plan for Judicial Availability

In each county, the court with trial jurisdiction over felony cases must adopt and file with the state court administrator a plan for judicial availability. The plan shall:

- a. make a judicial officer available for arraignments each day of the year, or
- b. make a judicial officer available for setting bail for every person arrested for commission of a felony each day of the year conditioned upon
 - 1) the judicial officer being presented a proper complaint and finding probable cause pursuant to MCR 6.102(A), and
 - 2) the judicial officer having available information to set bail.

This portion of the plan must provide that the judicial officer shall order the arresting officials to arrange prompt transportation of any accused unable to post bond to the judicial district of the offense for arraignment not later than the next regular business day. [MCR 6.104(G)]

3. Emergency Services Plan

If a court is notified by its funding unit of a reduction of the original appropriation for the court for the current fiscal year, the court shall immediately file a copy of that notice with the State Court Administrative Office in accordance with Mich Sup Ct AO 1994-6. The court, among other things, must provide an emergency services plan which outlines what services are essential. [Mich Sup Ct AO 1994-6]

4. Caseflow Management Plan

All trial courts are required to develop and implement caseflow management plans, which include case processing goals as established under Mich Sup Ct AO 1991-4, and provide for local bench-bar justice system advisory committees, in cooperation with the State Court Administrative Office. [Mich Sup Ct AO 1991-4] See also Court Improvement Project Recommendations.

5. Implementation and Operation of Family Division

Chief circuit and probate judges were required to develop a plan for the implementation and operation of the family division of the circuit court which was created by 1996 PA 388. The plan identified the manner in which services are coordinated to provide effective and efficient services to families by the family division of the circuit court. The plans were approved and filed with the State Court Administrative Office. [Mich Sup Ct AO 1997-1] Amendments to approved plans must also be approved and filed with the State Court Administrative Office.

1-07 COURT RELATIONS - EXTERNAL AND INTERNAL

A. External Relations with Local Funding Unit, Legislature, Local Bar, Other Institutions, and General Public

A chief judge shall initiate policies concerning the court's position on external matters affecting the court. Furthermore, a chief judge shall represent the court in its relations with the Supreme Court, other courts, other agencies of government, the bar, and the general public. The chief judge also represents the court in its relations with the news media and in ceremonial functions involving the court. [MCR 8.110(C)(2), Mich Sup Ct AO 1998-5]

1. Local Court Management Councils

Structural changes and new demands create the need for new ways of doing business. The public's insistence on more efficient and user-friendly courts places a premium on creativity and interbranch cooperation. It is believed that local court management councils will be a vital, indispensable forum for collaborative government.

By Administrative Order 1998-5, issued December 28, 1998, the Supreme Court provided direction to the courts in serving on local court management councils created by funding units. In serving as a member of a council, a chief judge assists in the development of agreements on court personnel policies and budgets with local officials. A county that funds circuit, probate, and district courts may choose to create a single council that includes chief judges from all three types of courts, thus opening up new avenues of communication and coordination among them. Similarly, in the state's many multi-county circuits and districts, local court management councils hold the promise of helping to deliver more streamlined court services and cost savings to the taxpayers.

Disagreements between courts and their funding units about court financial needs can result in legal suits. Although the State Court Administrative Office mediates these funding disputes pursuant to Mich Sup Ct AO 1985-6, under Administrative Order 1998-5, representatives of funding units as well as chief judges may request the assistance of the State Court Administrative Office to mediate situations involving potential disputes at any time before differences escalate to the level of a formal funding dispute.

2. Local Intergovernmental Advisory Council: Gaining New Perspectives.

The efficient delivery of court services requires the Judiciary to forge stronger relationships with local government and to promote an environment of shared responsibility. Recognizing the need to become better informed on a systematic basis about local government concerns related to trial court operations, the Michigan Supreme Court has established a 14-member local intergovernmental advisory council. The council will advise the State Court Administrative Office on how to avoid and resolve disputes between courts and their funding units.

This council provide the perspective of local funding units concerning new court reform initiatives, and help the Judiciary identify emerging statewide issues affecting the state's trial courts and the delivery of services within the judicial system. The council will provide a mechanism for addressing such issues as budget development, court policies, and records management. It is comprised of representatives of counties, municipalities, and county clerks and will meet four times each year.

(see also Section 6-03)

B. Internal Relations of the Court

The chief judge shall initiate policies concerning the court's internal operations. The chief judge shall counsel and assist other judges in the performance of their responsibilities. [MCR 8.110(C)(2)]

Six demonstration projects were initiated by the Supreme Court in 1995 to test the merger of the circuit, probate, and district courts in a variety of jurisdictions. The six jurisdictions were given the flexibility to design their own divisions, including a family division. Preliminary evaluation results show that, while the projects encountered difficulties and revealed potential problems, many efficiencies and improvements in effectiveness have been realized, primarily through the strong central leadership provided by a system of one chief judge and one trial court administrator for each project. Benefits include:

- Greater use of judicial and quasi-judicial resources by broadening the pool of available resources and using them where they are most needed.
- Early formation of and planning for a family division prior to the legislated implementation date of January 1, 1998. This gave the pilot sites a head start on implementation of the legislation, enabling them to serve as a model for other courts.
- Greater cost-effectiveness and better information on fiscal management issues.
- Positive stakeholder perceptions. Stakeholders include attorneys, city and county officials, law enforcement agencies, state officials, the public, court staff and judges. Stakeholders believe judge time is used more productively, cases are handled more promptly, the family division provides better service to children and families, judicial councils are an effective forum for communication and decision-making, and technology has enhanced court operations.
- Improved coordination of activities with court-related agencies.
- Improved use of court technology through integrated case processing and enhanced electronic communication.

C. Gender and Racial/Ethnic Issues in the Courts

The Supreme Court is committed to assuring the fair and equal application of the rule of the law for all persons in the Michigan court system. On September 15, 1987 the Justices of the Michigan Supreme Court issued Michigan Supreme Court Administrative Order 1987-6 creating the Task Force on Gender Issues in the Courts and the Task Force on Racial/Ethnic Issues in the Courts. The Supreme Court directed the Task Forces "to examine the courts and to recommend revisions in rules, procedures and administration of the courts to assure equal treatment for men and women, free from race and gender bias". The Task Forces completed their final reports in December of 1989. Based on the conclusions and recommendations received from the Task Forces, the Supreme Court has directed that judges, employees of the judicial system, attorneys, and other court officers commit themselves to eliminating racial, ethnic, and gender discrimination in the Michigan judicial system. [Mich Sup Ct AO 1990-3] (see also Section 5-01, pages 5-01-02 and 5-01-03 and Section 11-08, page 11-08-01)

1-08 MANAGEMENT ASSISTANCE

In order to insure high professional standards throughout the various trial courts in the system, a variety of types of management assistance is available. The State Court Administrative Office, the National Center for State Courts, and private consultants assist chief judges and trial court administrators with improving the management and business of the court. Assistance is available, but not limited to, the areas of personnel/staffing studies, case flow management studies, pre-automation paper flow studies, court record management studies, and court facility needs studies.

A variety of professional organizations provide another avenue for keeping abreast of current advancements affecting the management of the courts. Such organizations include the National Association for Court Management and the following:

A. Circuit Court Related

- Michigan Judges Association
- Michigan Association of County Clerks
- Michigan Association of Circuit Court Administrators
- Michigan Association of Family Court Administrators
- Michigan Association of Circuit Court Professionals
- Michigan Association of Court Mediators
- Michigan Friend of the Court Association
- Michigan Probate and Juvenile Registers Association
- Referees Association of Michigan

B. District/Municipal Court Related

- Michigan District Judges Association
- Michigan Court Administration Association
- Michigan Association of District Court Magistrates
- Michigan Association of District Court Probation Officers

C. Probate Court Related

- Michigan Probate Judges Association
- Michigan Probate and Juvenile Registers Association
- Michigan Association of Juvenile Justice

D. Court Reporter and Recorder Related

- Michigan Association of Professional Court Reporters
- Michigan Electronic Court Reporters Association
- National Shorthand Reporters Association